

papers, books, publications, or works of literature or art, and other printed papers transmitted by the post under the provisions of this Warrant, shall be in lieu of any rates of British postage now chargeable by law thereon.

16. The several terms and expressions used in this Warrant shall be construed to have the like meaning in all respects as they would have had if inserted in the said Act, passed in the 4th year of the reign of her present Majesty.

17. The Commissioners for the time being of Her Majesty's Treasury may, by Warrant under their hands, duly made at any time hereafter, alter, repeal, or revoke any of the rates of postage hereby fixed or altered, or any of the orders, directions, regulations, and conditions hereby made; and may make and establish any new or other rates, orders, directions, regulations, and conditions in lieu thereof, and from time to time appoint at what time the rates which may be payable are to be paid.

18. This Warrant shall come into operation on the 1st day of April, 1858.

Whitehall, Treasury Chambers, the 20th day of February, 1858.
DUNCAN. H. BRAND.

MOROCCO.

GENERAL TREATY *between Great Britain and Morocco.*
Signed, in the English and Arabic languages, at Tangier, December 9, 1856.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Sultan of Morocco and Fez, being desirous to maintain and strengthen the relations of friendship which have long subsisted between their respective dominions and subjects, have resolved to proceed to a revision and improvement of the Treaties subsisting between the respective countries, and have for that purpose named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Hay Drummond Hay, Esquire, Her Chargé d'Affaires and Consul-General at the Court of His Majesty the Sultan of Morocco and Fez;

And His Majesty the Sultan of Morocco and Fez, Seed Mohamed Khateeb, His Commissioner for Foreign Affairs;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:

ART. I. There shall be perpetual peace and friendship between Her Majesty the **Queen of the United Kingdom of Great Britain and Ireland**, her heirs and successors, and His Sherifian Majesty the Sultan of Morocco and Fez, and between their respective dominions and subjects.

II. Her Majesty the **Queen of Great Britain** may appoint one or more Consuls in the dominions of the Sultan of Morocco and Fez; and such Consul or Consuls shall be at liberty to reside in any of the sea ports or cities of the Sultan of Morocco which they, or the **British Government**, may choose, and find most convenient for the affairs and service of **Her Britannic Majesty** and for the assistance of British merchants.

III. The British **Chargé d'Affaires**, or other Political Agent accredited by the **Queen of Great Britain** to the Sultan of Morocco, as also the British **Consuls who shall reside in the dominions of the Sultan of Morocco**, shall always have respect and honour paid to them, suitable to their rank. Their houses and families shall be safe and protected. No one shall interfere with them, or commit any act of oppression or disrespect towards them, either by words or by deeds; and if any one should do so, he shall receive a severe punishment, as a correction to himself and a check to others.

The said **Chargé d'Affaires** shall be at liberty to choose his own interpreters and servants, either from the Mussulmans or others, and neither his interpreters nor servants shall be compelled to pay any capitation tax, forced contribution, or other similar or corresponding charge. With respect to the Consuls or Vice-Consuls who shall reside at the ports under the orders of the said **Chargé d'Affaires**, they shall be at liberty to choose 1 interpreter, 1 guard, and 2 servants, either from the Mussulmans or others; and neither the interpreter, nor the guard, nor their servants, shall be compelled to pay any capitation tax, forced contribution, or other similar or corresponding charge. If the said **Chargé d'Affaires** should appoint a subject of the Sultan of Morocco as Vice-Consul at a Moorish port, the said Vice-Consul, and those members of his family who may dwell within his house, shall be respected, and exempted from the payment of any capitation tax, or other similar or corresponding charge; but the said Vice-Consul shall not take under his protection any subject of the Sultan of Morocco except the members of his family dwelling under his roof. The said **Chargé d'Affaires, and the said Consuls, shall be permitted to have a place of worship, and to hoist their national flag at all times on the top of the houses which they may occupy, either in the city or out of it, and also in their boats whenever they go to sea. No prohibition nor tax shall be put upon their goods, furniture, or any other articles which may come to them for their own use and for the use of their families, in the dominions of the Sultan of Morocco; but the said Chargé d'Affaires, Consuls, or Vice-Consuls, shall be required to deliver to the officers of the Customs**

a note of hand, specifying the number of articles which they shall require to be passed. This privilege shall only be accorded to those consular officers who are not engaged in trade. If the service of their Sovereign should require their attendance in their own country, or if they should depute another person to act for them in their absence, they shall not be prevented in any way from so doing; and no impediment shall be offered either to themselves, their servants, or their property, but they shall be at liberty to go and come, respected and honoured; and both they themselves and their deputies or Vice-Consuls shall be entitled, in the most ample sense, to every privilege which is now enjoyed, or may in future be granted, to the Consul of any other nation.

IV. With respect to the personal privileges to be enjoyed by the subjects of Her Britannic Majesty in the dominions of the Sultan of Morocco, His Sherifian Majesty engages that they shall have a free and undoubted right to travel and to reside in the territories and dominions of his said Majesty, subject to the same precautions of police which are practised towards the subjects or citizens of the most favoured nations.

They shall be entitled to hire, on lease or otherwise, dwellings and warehouses; and if a British subject shall not find a house or warehouse suitable for his dwelling, or for his stores, the Moorish authorities shall assist him in finding a site, within the localities generally selected for the habitations of Europeans, if there be a suitable site within the town, for building a dwelling or stores, and an agreement shall be entered upon, in writing, with the authorities of the town, regarding the number of years that the British subject shall retain possession of the land and buildings, in order that he shall thus be repaid the expenses of the outlay he shall have made; and no person shall compel the British subject to give up the dwelling or warehouses until the time mentioned in the said document shall have expired. They shall not be obliged to pay, under any pretence whatever, any taxes or impositions. They shall be exempt from all military service, whether by land or sea; from forced loans, and from every extraordinary contribution. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of residence or commerce, shall be respected. No arbitrary search of or visit to the houses of British subjects, and no arbitrary examination or inspection whatever of their books, papers, or accounts, shall be made; but such measures shall be executed only in conformity with the orders and consent of the Consul-General or Consul. And, generally, His Majesty the Sultan engages that the subjects of Her Britannic Majesty residing in his states or dominions shall enjoy their property and personal security in as full and ample manner as subjects of the Emperor of Morocco are entitled to do within the territories of Her Britannic Majesty.

Her Britannic Majesty, on her part, engages to ensure the

enjoyment of the same protection and privileges to the subjects of His Majesty the Sultan of Morocco within her dominions, which are, or may be, enjoyed by the subjects of the most favoured nations.

V. All British subjects and merchants who may wish to reside in any part of the dominions of the Sultan of Morocco shall have perfect security for their own persons and property; and they shall be free to exercise the rites of their own religion, without any interference or hindrance, and to have a burial-place for their dead; and they shall be allowed to go out to bury them with safety and protection in going and in returning. They shall be free to appoint any one whom they may choose of their own friends or servants for the transaction of their affairs, either on land or at sea, without any prohibition or interruption; and if a British merchant shall have a ship in or outside of one of the harbours of the Sultan of Morocco, he shall be permitted to go on board of her, either by himself or with any whom he likes of his own friends or servants, without either himself or his friends or servants being subjected to any forced contribution for so doing.

VI. Any person subject to the Queen of Great Britain, or under her protection, shall not be compelled to sell or to buy anything without his own free will; nor shall any of the Sultan of Morocco's subjects have a claim or right upon any goods of a British merchant, but what such merchant may give them voluntarily; and nothing shall be taken away from any British merchant but what shall be agreed upon between the respective parties.

The same rule shall be observed with regard to Moorish subjects in the dominions of the Queen of Great Britain.

VII. No subject of the Queen of Great Britain, nor any person under her protection, shall, in the dominions of the Sultan of Morocco, be made liable to pay a debt due from another person of his nation, unless he shall have made himself responsible or guarantee for the debtor, by a document under his own handwriting; and, in like manner, the subjects of the Sultan of Morocco shall not be made liable to pay a debt due from another person of his nation to a subject of Great Britain, unless he shall have made himself responsible or guarantee for the debtor by a document under his own handwriting.

VIII. In all criminal cases and complaints, and in all civil differences, disputes, or causes of litigation which may occur between British subjects, the British Consul-General, Consul, Vice-Consul, or Consular Agent, shall be sole judge and arbiter. No Governor, Kadi, or other Moorish authority, shall intermeddle therein; but the subjects of Her Britannic Majesty shall, in all matters of criminal or civil cognizance arising or existing between British subjects exclusively, be amenable to the tribunal of the Consul-General, Consul, or other British authority only.

IX. All criminal cases and complaints, and all civil differences, disputes, or causes of litigation arising between British subjects and subjects of the Moorish Government, shall be adjusted in the following manner:

If the plaintiff be a British subject and the defendant a Moorish subject, the Governor of the town or district, or the Kadi, according as the case may appertain to their respective courts, shall alone judge the case; the British subject making his appeal to the Governor or Kadi, through the British Consul-General, Consul, or his deputy, who will have a right to be present in the court during the whole trial of the case.

In like manner, if the plaintiff be a Moorish subject, and the defendant a British subject, the case shall be referred to the sole judgment and decision of the British Consul-General, Consul, Vice-Consul, or Consular Agent; the plaintiff shall make his appeal through the Moorish authorities; and the Moorish Governor, Kadi, or other officer who may be appointed by them shall be present, if he or they so desire, during the trial and judgment of the case. Should the British or Moorish litigant be dissatisfied with the decision of the Consul-General, Consul, Vice-Consul, Governor, or Kadi (according as the case may appertain to their respective courts), he shall have a right of appeal to Her Britannic Majesty's Chargé d'Affaires and Consul-General, or to the Moorish Commissioner for Foreign Affairs, as the case may be.

X. A British subject suing, in a Moorish Court of Law, a subject of the Sultan of Morocco, for a debt contracted within the dominions of the Queen of Great Britain, shall be required to produce an acknowledgment of the claim, written either in the European or Arabic characters, and signed by the Moorish debtor in the presence of, and testified by, the Moorish Consul, Vice-Consul, or Consular Agent, or before 2 witnesses whose signatures shall have been at the time, or subsequently, certified by the Moorish Consul, Vice-Consul, or Consular Agent, or by a British Notary in a place where no Moorish Consul, Vice-Consul, or Consular Agent resides. Each document so witnessed or certified by the Moorish Consul, Consular Agent, or British Notary, shall have full force and value in a Moorish tribunal. Should at any time a Moorish debtor escape to any town or place in Morocco where the authority of the Sultan may be established, and where no British Consul or Consular Agent may reside, the Moorish Government shall compel the Moorish debtor to come to Tangier, or other port or town in Morocco where the British creditor may desire to prosecute his claim before a Moorish Court of Law.

XI. Should the British Consul-General, or any of the British Consuls, Vice-Consuls, or Consular Agents, have at any time occasion to request from the Moorish Government the assistance

of soldiers, guards, armed boats, or other aid for the purpose of arresting or transporting any British subject, the demand shall immediately be complied with, on payment of the usual fees given on such occasions by Moorish subjects.

XII. If any subject of the Sultan be found guilty before the Kadi of producing false evidence to the injury or prejudice of a British subject, he shall be severely punished by the Moorish Government according to the Mahometan law. In like manner, the British Consul-General, Consul, Vice-Consul, or Consular Agent, shall take care that any British subject who may be convicted of the same offence against a Moorish subject, shall be severely punished according to the law of Great Britain.

XIII. All British subjects, whether Mahometans, Jews, or Christians, shall alike enjoy all the rights and privileges granted by the present Treaty and the Convention of Commerce and Navigation which has also been concluded this day, or which shall at any time be granted to the most favoured nation.

XIV. In all criminal cases, differences, disputes, or other causes of litigation arising between British subjects and the subjects or citizens of other foreign nations, no Governor, Kadi, or other Moorish authority shall have a right to interfere, unless a Moorish subject may have received thereby any injury to his person or property, in which case the Moorish authority, or one of his officers, shall have a right to be present at the tribunal of the Consul.

Such cases shall be decided solely in the tribunals of the foreign Consuls, without the interference of the Moorish Government, according to the established usages which have hitherto been acted upon, or may hereafter be arranged between such Consuls.

XV. It is agreed and covenanted that neither of the High Contracting Parties shall knowingly receive into or retain in its service any subjects of the other party, who have deserted from the Naval or Military service of that other party; but that, on the contrary, each of the Contracting Parties shall respectively discharge from its service any such deserters, upon being required by the other party so to do.

And it is further agreed, that if any of the crew of any merchant-vessel of either Contracting Party, not being slaves, nor being subjects of the party upon whom the demand is made, shall desert from such vessel within any port in the territory of the other party, the authorities of such port and territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application being made by the Consul-General, or Consul, of the party concerned, or by the deputy or representative of the Consul-General or Consul; and no person whatever shall protect or harbour such deserters.

XVI. No British subject professing the Mahometan faith, or who may have professed the Mahometan religion, shall be con-

sidered as having in any manner lost, or as being by reason thereof in any degree less entitled to, the rights and privileges, or the full protection, enjoyed by British subjects who are Christians; but all British subjects, whatever their religion may be, shall enjoy all the rights and privileges secured by the present Treaty to British subjects, without any distinction or difference.

XVII. Any subjects of the Queen of Great Britain who may be found in the dominions of the Sultan of Morocco, either in time of peace or in time of war, shall have perfect liberty to depart to their own country, or to any other country, in their own ships or in the ships of any other nation; and they shall also be free to dispose, as they please, of their goods and property of every kind, and to carry away with them the value of all such goods and property, as well as to take their families and domestics, even though born and brought up in Africa, or elsewhere, out of the British dominions, without any one interfering with or preventing them under any pretence. All these rights shall be likewise granted to the subjects of the Sultan of Morocco who may be in the dominions of the Queen of Great Britain.

XVIII. If any subject of Her Britannic Majesty, or any native of a State or place under British protection, should die in the dominions of the Sultan of Morocco, no Governor or officer of the Sultan shall, under any pretence, dispose of the goods or property of the deceased, nor shall any one interfere therewith; but all the property and goods belonging to the deceased, and all that was under his hands and in his possession, shall be taken possession of by the persons chosen by him for that purpose, and named in his will as his heirs, if they should be present; but in case such heir or heirs should be absent, then the Consul-General, Consul, or his deputy, shall take possession of all the property and effects, after making a list or inventory thereof, specifying every article correctly, until he delivers the same to the heir of the deceased. But should the deceased die without making any will, the Consul-General, Consul, or his deputy shall have the right to take possession of all the property left by him, and to preserve it for the persons entitled by law to the property of the deceased; and if the deceased should leave behind him debts due to him from individuals, then the Governor of the town, or those who have such a power, shall compel the debtors to pay what is due from them, either to the Consul-General, Consul, or his deputy, for the benefit of the estate of the deceased; and likewise, if the deceased should leave behind him debts due from him to a subject of the Sultan of Morocco, the Consul-General, Consul, or his deputy shall assist the creditor in the recovery of his claim upon the estate of the deceased.

XIX. The present Treaty shall apply generally to all the dominions of Her Britannic Majesty, and to all subjects who are under her obedience, and all those who inhabit any town or place

which is considered part of her kingdom, as also to all her subjects in Gibraltar and its inhabitants, and likewise to the inhabitants of the United States of the Ionian Islands which are under her protection; and all those who are called or described as English, shall be considered as British subjects, without any distinction between those born in and those born out of Great Britain: And if the Queen of Great Britain should hereafter possess a town or a country which, either by conquest or by Treaty, shall enter under her authority, all its people and inhabitants shall be considered as British subjects, even if only for the first time subjected to Great Britain.

XX. The subjects of the Queen of Great Britain, and those who are under her government or protection, shall have the full benefit of the privileges and of the particular favours granted by this Treaty, and which may be allowed to the subjects of other nations that are at war with Great Britain; and if, after this date, any other privileges shall be granted to any other Power, the same shall be extended and apply to, and in favour of, all British subjects in every respect, as to the subjects of such other Power.

XXI. If a subject of the Sultan of Morocco should ship himself and his goods on board of a vessel belonging to a nation at war with the Queen of Great Britain, and that ship should be taken by a British man-of-war, the said Moroquine subject, and also his goods, provided they be not contraband of war, shall not be molested or interfered with, but both he and the goods which he has on board the vessel thus taken, shall be let free, and he shall be set at liberty to go where he pleases. In like manner, if a British subject should take his passage on board of a vessel belonging to a nation at war with the Sultan of Morocco, and that vessel be taken by a Moroquine cruizer, such British subject shall not be molested, nor shall his goods, if not contraband of war, which he may have with him on board of the vessel thus taken, be interfered with, but he shall have his liberty, and be left free to go where he pleases, with his goods, without impediment or delay.

XXII. If any duly commissioned British vessel should capture a ship, and take her to a harbour in the dominions of the Sultan of Morocco, the captors shall be allowed to sell such prize, or the goods taken in her, without impediment from any one; or they shall be at liberty to depart with their prize, and take her to any other place they please.

XXIII. If a British vessel should be chased by an enemy to within gun-shot from the seaports or shores of the dominions of the Sultan of Morocco, the local authorities shall respect and defend her as much as they can; and, in like manner, the ships of Morocco shall be protected in all the seaports or coasts of the dominions of the Queen of Great Britain.

XXIV. If a cruizer not belonging either to the Queen of Great Britain or to the Sultan of Morocco should possess letters

of marque from a nation at war with Great Britain or with Morocco, that cruizer shall not be permitted to remain in any of the harbours or seaports of either of the 2 parties, nor to sell its prizes therein, nor to exchange such prizes or their cargo for other merchandize; nor shall any such cruizer be allowed to purchase stores or provisions, except as much as may be absolutely necessary for the voyage to the nearest port of its own country.

XXV. If an armed ship of a nation at war with Great Britain should be found in any of the harbours or seaports of the Sultan of Morocco, and at the same time a British ship should happen to be also there, such ship of the enemy of Great Britain shall not be allowed to seize upon the British vessel, nor to cause it any injury; and the enemy's ship shall not be allowed to sail in the track of the British vessel till 24 hours shall have elapsed after the departure of the said vessel, if the authorities of the port or harbour have the power of detaining the vessel of the enemy. The same rule shall be observed towards the ships of the Sultan of Morocco or his subjects, in all the harbours and seaports of the Queen of Great Britain.

XXVI. If any British vessels of war or merchant vessels should enter one of the harbours or seaports of the Sultan of Morocco, and be in want of provisions or refreshments, such vessels shall be at liberty to buy what they require at the current prices of the time, free of duty; but the quantity shall not exceed that which may be sufficient for the sustenance of the master and crew during the voyage to the port whither the vessel may be bound, and also the necessary provisions required for the daily maintenance of the crew during the time the vessel remains at anchorage in the Moorish port.

XXVII. Vessels or boats freighted by order of the British Government for the conveyance of mails, or employed by the British Government under contract for the same service, shall be respected, and shall have the same privileges as ships of war, if they do not bring or take articles of merchandize to or from a port of the Sultan of Morocco; but if they carry any merchandize from a port of these dominions, they shall pay the same charges as any other merchant vessel.

XXVIII. If any vessel belonging to the subjects or to the inhabitants of the dominions of either Contracting Party should enter one of the seaports of the other, and should not wish to go into harbour nor to declare nor sell her cargo there, she shall not be compelled to do so, nor shall any one inquire or search in any way to know what she contains; but a guard may be placed on board by the Custom-house officers, as long as the vessel remains at anchor, to prevent any illegal traffic.

XXIX. If a British vessel with a cargo should enter one of the harbours of the Sultan of Morocco, and should wish to land a part of her cargo which may be destined for that place, she shall

not be compelled to pay duties upon more than the landed part of her cargo, and shall not be required to pay any duty upon the rest of the cargo which is left on board, but she shall be at liberty to depart with the remainder of her cargo to any place she pleases. The manifest of the cargo of each vessel shall, on her arrival, be delivered up to the Moorish Custom-house officers, who will be permitted to search the vessel on her arrival and departure, or to place a guard on board the vessel to prevent any illegal traffic.

The same rule shall be observed in British ports with regard to Moorish vessels.

The master of each vessel, on departure from a Moorish port, shall be required to present a manifest of the cargo of articles exported, certified by the Consul or the Vice-Consul, and shall exhibit the manifest to the administrators of customs when required to do so, in order that they may verify that no goods have been embarked in contraband.

XXX. No captain of a British vessel in a Moorish port, and no captain of a Moorish vessel in a British port, shall be in any way compelled to carry any passengers or any kind of goods against his own will, nor shall he be forced to sail for any place which he does not wish to go to; and his ship shall not be molested in any way whatever.

XXXI. If any of the subjects of the Sultan of Morocco should hire a British vessel to carry goods or passengers from one place to another within the dominions of Morocco, and if in the course of her voyage such British vessel should be forced by stress of weather or accident of the sea to enter a different port in the same dominions, the captain shall not be obliged to pay anchorage or any other duty on account of his entering such port; but if such vessel should discharge or take on board at such port any cargo, the said vessel shall be treated like any other.

XXXII. Any British ships or vessels which may be damaged at sea, and may enter one of the harbours of the Sultan of Morocco for repairs, shall be received and assisted in all their wants during their stay in such harbour, during their refit, or at their departure for the place of their destination, if the articles required for the repairs of the vessel shall be found for sale in such harbour, and in such case they shall be bought and paid for at the same prices as are usually paid by others; and the British ships or vessels shall not be in any way whatever molested or prevented from proceeding on their voyage.

XXXIII. If a ship belonging to the Queen of Great Britain, or to any of her subjects, should get on shore, or be wrecked on any part of the dominions of the Sultan of Morocco, she shall be respected and assisted in all her wants, in accordance with the rules of friendship; and such ship, and all her contents, cargo, or any goods which may be saved from her at the time or after the wreck, shall be preserved and given up to the owners, or to the

British Consul-General, Consul, or his deputy, without the loss or concealment of anything whatever. Should the wrecked vessel have on board any goods which the proprietors desire to sell within the dominions of Morocco, the proprietors shall pay upon these goods the requisite duties; but if the goods on board the vessel had been embarked from any port of the dominions of Morocco, no other duties in addition to those which may already have been paid, shall be demanded, either on importation or on exportation, and the proprietors shall have the right either of selling the goods in Morocco, or of embarking them, as they please. The captain and crew shall be at liberty to proceed to any place they please, and at any time they may think proper, without any hindrance. In like manner, the ships of the Sultan of Morocco, or of his subjects, shall be treated in the dominions of the Queen of Great Britain; it being understood that such ships are to be subject to the same lawful charges for salvage to which British ships are subject. If a British vessel should be wrecked at Wadnoon, or on any part of its coast, the Sultan of Morocco shall exert his power to save and protect the captain and crew, till they return to their own country; and the British Consul-General, Consul, or his deputy shall be allowed to inquire and ascertain, as much as they can, about the captain and crew of any such ship, in order that they may obtain and save them from those parts of the country; and the Governors appointed in those places by the Sultan of Morocco shall also assist the Consul-General, Consul, or deputy, in his researches, agreeably to the rules of friendship.

XXXIV. Her Majesty the Queen of Great Britain and His Majesty the Sultan of Morocco engage to do all in their power for the suppression of piracy; and the Sultan especially engages to use his utmost efforts to discover and punish all persons on his coasts or within his dominions who may be guilty of that crime, and to aid Her Britannic Majesty in so doing.

XXXV. If any of the subjects or of the ships of either of the 2 parties should do anything contrary to any of the conditions of this Treaty, whether intentionally or unintentionally, the peace and friendship thereby stipulated for shall not be disturbed, but shall remain preserved, fixed, and always durable upon the basis of sincerity, till communication shall be forwarded to the Sovereign of the aggressor, without his being in the mean time molested; and if any of the subjects of either party should wish or attempt to violate this Treaty, or any of its conditions, his Sovereign shall be bound to chastise and punish him severely for his conduct.

XXXVI. If this Treaty of Peace and Friendship between the 2 Contracting Parties should be infringed, and if, in consequence of such infringement, (which God forbid!) war should be declared, all the country and subjects of the Queen of Great Britain, and those under her protection, of whatever degree or class, who may happen to be found in the dominions of the Sultan of Morocco,

shall be permitted to depart to any part of the world they choose, and to carry with them their goods and property, their families and their servants or establishments whether they be British born or not; and they shall be allowed to embark on board of any ship of another nation which they may select. Moreover, a period of 6 months shall be granted them, if they ask for it, for the arrangement of their affairs, the sale of their goods, or for doing what they please with their property; and during such period of 6 months they shall have full liberty and perfect security for their persons and property, without any interference, injury, or hindrance in any way, by reason of such war; and the Governors or authorities shall assist and help them in the arrangement of their affairs, and attend them in the recovery of the debts due to them, without delay, dispute, or postponement. In like manner, all this shall be granted to the subjects of the Sultan of Morocco in all the dominions of the Queen of Great Britain.

XXXVII. This Treaty shall be declared and made public to the subjects of both parties, lest any one of them should remain ignorant of its conditions, and copies shall be prepared and sent to the Governors and men of authority who are entrusted with the revenue and the expenditure; and also to all the seaports and the captains of cruizers belonging to the Sultan of Morocco.

XXXVIII. The present Treaty shall be ratified by Her Majesty the Queen of Great Britain, and by His Majesty the Sultan of Morocco, and the ratifications shall be exchanged at Tangier, as soon as possible within 4 months from the date hereof.

When the ratifications of the present Treaty, and of the Convention of Commerce and Navigation, which has also been concluded this day between the High Contracting Parties, shall have been exchanged, the stipulations of the said Treaty and Convention shall come into immediate operation, and shall be substituted for the stipulations of all preceding Treaties between Great Britain and Morocco.*

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto their respective seals.

Done at Tangier, the 9th day of December, in the year 1856, corresponding to the Moorish date of the 10th day of the month of Rabbea the 2nd, in the year 1273.

(L.S.) J. H. DRUMMOND HAY.

(Arabic signature of)

(L.S.) SEED MOHAMED KHATEEB.

* See General Index.

CONVENTION of Commerce and Navigation between Great Britain and Morocco. Signed, in the English and Arabic languages, at Tangier, December 9, 1856.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Sultan of Morocco and Fez, being desirous to extend and **improve the relations of commerce and navigation which exist between their respective dominions and subjects**, have resolved to conclude a special Convention for that purpose, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Hay Drummond Hay, Esquire, Her Chargé d'Affaires, and Consul-General at the Court of His Majesty the Sultan of Morocco and Fez ;

And His Majesty the Sultan of Morocco and Fez, Seed Mohamed Khateeb, his Commissioner for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles ;

ART. I. There shall be reciprocal freedom of commerce between the British dominions and the dominions of the Sultan of Morocco. The subjects of Her Britannic Majesty may reside in and trade to any port of the territories of the Sultan of Morocco, to which any other foreigners are or shall be admitted.

They shall be permitted to hire houses, and to build houses, stores, or warehouses, as stipulated in Article IV of the General Treaty of this date.

They shall enjoy full protection for their persons and properties, as specified in Article IV of the General Treaty ; they shall be allowed to buy from, and to sell to, whom they like, all articles not prohibited in Article II of this Convention, either by wholesale or retail, at all places in the Moorish dominions, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of purchase or sale whatever, except the articles of export and those of import enumerated in Article II ; and they shall, moreover, enjoy all other rights and privileges which hereafter may be granted to any other foreigners, subjects or citizens of the most favoured nation.

The subjects of the Sultan of Morocco shall, in return, enjoy in the dominions of Her Britannic Majesty the same protection and privileges which are or may be enjoyed by the subjects or citizens of the most favoured nation.

II. The Sultan of Morocco engages to abolish all monopolies or prohibitions on imported goods, except tobacco, pipes of all kinds used for smoking, opium, sulphur, powder, saltpetre, lead, arms of all kinds, and ammunition of war ; and further to abolish all mono-

polies of agricultural produce, or of any other article whatsoever in the dominions of the Sultan, except leeches, bark, tobacco, and other herbs used for smoking in pipes.

III. No tax, toll, duty, or charge whatsoever, beside the export duty hereinafter mentioned, shall, under any pretext or on any account, be imposed by any person whatsoever, in any part of the dominions of Morocco, upon or in respect of any goods or produce whatsoever which may have been purchased for exportation by or on behalf of any British subject; but the said goods or produce, when so purchased, shall be conveyed from any place in Morocco to, and embarked from, any port therein, absolutely free and exempt from all other taxes, tolls, duties, or charges whatsoever. No permit, or any similar document, shall be requisite to enable them to be so conveyed or embarked, nor shall any officer or subject of the Sultan offer any impediment to, or lay any restriction on, the conveyance or embarkation of such goods (except those goods or produce which the Sultan of Morocco shall prohibit from being exported, as arranged in Article V), or on any pretext, demand or receive any money in respect or on account of such goods; and should any such officer or subject act contrary to this stipulation, the Sultan shall immediately punish with severity the Governor, officer, or other subject who shall have been guilty of such misconduct, and render full justice to British subjects for all injuries or losses which they may duly prove themselves to have suffered thereby.

IV. The subjects of Her Britannic Majesty within the dominions of His Majesty the Sultan shall be free to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall such British subjects be restrained in their choice of persons to act in such capacities; nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ; but those persons who shall be thus employed, and who are subjects of the Sultan of Morocco, shall be treated and regarded as other subjects of the Moorish dominions. Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and no interference on the part of the Sultan's officers shall be permitted. Should any Governor or other officer interfere in the bargains between British and Moorish subjects, or place any impediments in the lawful purchase or sale of goods or merchandize imported into, or to be exported from, the Sultan's dominions, His Sherifian Majesty shall severely punish the said officer for such misconduct.

V. Should the Sultan of Morocco at any time think proper to prohibit the exportation of any kind of grain or other article of commerce from his dominions, British subjects shall in no manner be prevented from embarking all the grain or other articles which they may have in their magazines, or which may have been

bought previously to the said prohibition; but they shall be allowed to continue to export all they may have in their possession, during the term of 6 months from the time the prohibition was publicly made known; but on the day when the order of the Sultan of Morocco regarding the prohibition shall arrive, and shall be published to the merchants, British subjects shall, within the term of 2 days, declare and give proofs of the amount of produce they shall possess in their stores, on which the prohibition is imposed, and they shall also present legal certificates regarding the amount of the said produce which they shall have bought in the interior or elsewhere, previously to the promulgation of the order for the prohibition. No prohibition, either as to the exportation or importation of any article, shall apply to British subjects, unless such prohibition shall apply to subjects of every other nation.

VI. Merchandize or goods, except the articles enumerated in Article II, imported by British subjects in any vessel, or from any country, shall not be prohibited in the territories of the Sultan of Morocco, nor be subject to higher duties than are levied on the same kind of merchandize or goods imported by the subjects of any other foreign Power, or by native subjects, after the date of this Convention.

All articles, except those enumerated in Article II, the produce of Morocco, may be exported therefrom by British subjects in any vessels, on as favourable terms as by the subjects of any other foreign country, or by native subjects.

VII. In consideration of the favourable terms upon which the produce of Morocco is admitted into the territories of Her Britannic Majesty, and with a view to the extension of commercial intercourse between Great Britain and Morocco, for their mutual advantage, His Majesty the Sultan of Morocco hereby agrees that the duties to be levied on all articles imported into the territories of His Majesty by British subjects, shall not exceed 10 per cent. in cash on their value, at the port of their disembarkation; and that the duties to be levied on all articles exported from the territories of His Majesty by British subjects, shall not exceed in amount the duties marked in the following tariff:

TARIFF OF EXPORTS.

ARTICLES OF EXPORTATION.	Dollars.	Ounces.
Wheat per strike fanega	1	
Maize and durra full fanega	$\frac{1}{2}$	
Barley strike fanega	$\frac{1}{2}$	
All other grain cantar (full fanega*)	$\frac{1}{2}$	
Flour .... „	....	30

* See Memorandum, Page 922.

TABLE OF EXPORTS—*continued.*

ARTICLES OF EXPORTATION.						Dollars.	Ounces.
Birdseed	....	....	....	....	cantar (full fanega)	....	12
Dates	....	....	....	....	"	....	40
Almonds	....	....	....	....	"	....	35
Oranges, lemons, and limes	....	....	....	....	1000	....	12
Wild marjoram	....	....	....	....	cantar	....	10
Cummin seed	....	....	....	....	"	....	20
Oil	....	....	....	....	"	....	50
Gums	....	....	....	....	"	....	20
Henna	....	....	....	....	"	....	15
Wax	....	....	....	....	"	....	120
Rice	....	....	....	....	"	....	16
Wool (washed)	....	....	....	....	"	....	80
Wool (in grease)	....	....	....	....	"	....	55
Hides, sheep and goat-skins	....	....	....	....	"	....	36
Tanned skins, called felaly, zawany, and cochinea	....	....	....	....	"	....	100
Horns	....	....	....	....	1000	....	20
Tallow	....	....	....	....	per cantar	....	50
Mules	....	....	....	....	head	25	
Donkeys	....	....	....	....	"	5	
Sheep	....	....	....	....	"	1	
Goats	....	....	....	....	"	....	15
Fowls	....	....	....	....	dozen	....	22
Eggs	....	....	....	....	1000	....	51
Slippers	....	....	....	....	100	....	70
Porcupine quills	....	....	....	....	1000	....	5
Grasool	....	....	....	....	cantar	....	15
Ostrich feathers	....	....	....	....	lb.	....	36
Baskets	....	....	....	....	100	....	30
Caraway seed	....	....	....	....	cantar	....	20
Combs of wood	....	....	....	....	100	....	5
Hair	....	....	....	....	cantar	....	30
Raisins	....	....	....	....	"	....	20
Woollen sashes called karazy	....	....	....	....	100	....	100
Tackawt (a dye)	....	....	....	....	cantar	....	20
Tanned fleeces	....	....	....	....	"	....	36
Hemp and flax	....	....	....	....	"	....	40

The Sultan of Morocco has the right of prohibiting any article of exportation; but when a prohibition on any article shall be imposed, it shall be in conformity with what is arranged in Article V; but upon the exportation of articles the prohibition of which shall be taken off, the duties noted in the tariff shall alone be paid. With regard to wheat and barley, should the Sultan think proper to prohibit the exportation of these articles, but should desire to sell to merchants the grain which belongs to Government, it shall be sold at the price the Sultan thinks proper to impose. Should the Sultan augment or diminish the price of the grain, there shall be granted to the purchaser for exporting that which he shall have bought, the term stated in Article V; but should the grain be free for exportation, the duties imposed thereon shall be in conformity with what is stated in the tariff.

Should the Sultan of Morocco think proper to reduce the duties on articles of exportation, His Majesty shall have the right of doing so, on condition that British subjects shall pay the lowest duty that shall be paid by any other foreign or native subject.

VIII. Should a British subject, or his agent, desire to convey by sea, from one port to another in the dominions of the Sultan of Morocco, goods upon which the 10 per cent. duty has been paid, such goods shall be subject to no further duty, either on their embarkation or disembarkation, provided they be accompanied by a certificate from a Moorish Administrator of Customs.

IX. If any article of Moroquine produce, growth, or manufacture, except the articles enumerated in Article II, be purchased for exportation, the same shall be conveyed by the British merchant, or by his agent, free of any kind of charge or duty whatsoever, to a convenient place of shipment. Subsequently, on exportation, the export duty according to the tariff in Article VII shall alone be paid on it.

X. No anchorage, tonnage, import, or other duty or charge, shall be levied in the dominions of the Sultan of Morocco on British vessels, or on goods imported or exported in British vessels, beyond what is, or may be, levied on national vessels, or on the like goods imported or exported in national vessels; they shall not, however, exceed in amount the rates of the following scale, viz.:

Six moozoonats per ton shall be levied upon every British vessel (except steam-vessels) that does not exceed 200 tons in measurement. Upon every vessel (not a steam-vessel) measuring more than 200 tons, the following charge shall be made, viz., 6 moozoonats per ton shall be paid for 200 of her tons, and 2 moozoonats per ton for the remainder. Should the Administrator of Customs have any doubt regarding the tonnage of a British vessel, as declared by the master, the British Consul or Vice-Consul shall, on appeal being made to him, cause the ship's papers, whereon the tonnage is formally stated, to be exhibited. The same charges shall be made in all the ports of Morocco except Rabat and Laraiche, at which ports 4 moozoonats per ton shall be paid for pilotage into the river, should the vessel enter the river, and 4 moozoonats per ton for pilotage out of the river; 3 moozoonats per ton shall also be levied upon each vessel entering the river, on account of anchorage. Should a vessel, however, not enter the river, the same charges shall be levied upon her as those which are paid at the other ports. At Mogadore, 4 moozoonats per ton shall be paid on British vessels for pilotage on their entering the port only, and 6 moozoonats per ton for anchorage.

Should the master of a British vessel require, at any other port, a pilot, he shall pay for him at the rate of 2 moozoonats per ton; but this charge shall not be exacted except when the master of a vessel requires a pilot.

The sum of 16 dollars shall be levied, on account of anchorage,

on a steam-vessel entering a port in the Moorish dominions for the purpose of discharging or embarking cargo. If, afterwards, the said steam-vessel proceed from that port to any other port or ports in the Moorish dominions, and on her arrival at the latter embark or discharge cargo, the aforesaid charge of 16 dollars for anchorage shall again be levied; but if the said steam-vessel, on her return voyage, should enter a Moorish port at which the said anchorage dues shall have already been paid, no further charge on account of anchorage shall be levied upon her, unless the said steam-vessel depart on a second voyage to a Moorish port, or unless during her return voyage she shall have touched at any port other than a port of the Moorish dominions, in which case the aforesaid charge of 16 dollars shall again be levied. The charge, however, for anchorage on a steamer of 150 tons burthen, or less, shall not exceed what is due from a sailing-vessel of the same size.

The masters of all vessels shall pay, in addition to the aforesaid charges, the following sums to officers of the ports, but no other payments shall be demanded of them, viz.:

A vessel measuring 25 tons or less, 20 ounces; a vessel exceeding 25 and not over 50 tons, 40 ounces; a vessel exceeding 50 and not over 100 tons, 60 ounces; a vessel exceeding 100 and not over 200 tons, 80 ounces; a vessel exceeding 200 tons, 100 ounces.

In addition to these charges, the master of every British vessel visiting the port of Tetuan shall pay 10 ounces for the messenger who shall convey the ship's papers from the port of Marteen to Tetuan; 5 ounces to the trumpeter who shall announce the arrival of the vessel; and 3 ounces to the public crier; but no other payments shall be demanded at the port of Tetuan. No charge for anchorage shall be levied on account of British vessels which may enter the ports of Morocco for the purpose of seeking shelter from the weather, and which do not embark or discharge cargo, nor shall any charge for anchorage be levied upon fishing-vessels.

And, in like manner, no anchorage, tonnage, import, or other duty or charge, shall be levied in the British dominions on Moorish vessels, or on goods imported or exported in Moorish vessels, beyond what is or may be levied on national vessels, or on the like goods imported or exported in national vessels.

XI. Should British subjects desire to embark in or discharge goods from vessels arriving in the ports of Morocco, they shall employ the Moorish Government boats for that purpose; but if within 2 days after the arrival of a vessel, the Moorish Government boats are not placed at their disposal for the aforesaid purpose, the British subjects shall have the right of employing private boats, and shall not pay, in such case, to the port authorities more than $\frac{1}{2}$ of what would have been paid, had they employed the Government boats. This regulation shall not be applicable to the ports of Tangier and Tetuan, inasmuch as there is a sufficient number of Government lighters at those 2 ports.

The charges now paid for lighterage at the different ports of Morocco shall not be augmented, and the Administrator of Customs, at each port of Morocco, shall deliver to the British Vice-Consul a tariff of the charges now demanded for lighterage.

XII. The Articles of this Convention shall be applicable to all the ports in the Empire of Morocco; and should His Majesty the Sultan of Morocco open the ports of Mehedea, Agadeer, or Wadnoon, or any other ports within the limits of His Majesty's dominions, no difference shall be made in the levying of duties, or anchorage, between the said ports and other ports in the Sultan's dominions.

XIII. If a British subject be detected in smuggling into the Moroquine territories goods of any description, the goods shall be confiscated to the Sultan; and such British subject shall, on conviction before the British Consul-General, Consul, Vice-Consul, or Consular Agent, be liable to be fined in an amount not exceeding treble the amount of duties leviable on such goods, or in case of goods not admitted to importation, treble the value of the goods at the current price of the day; and, failing payment of such fines, such British subject shall, on conviction before the British Consul-General, Consul, Vice-Consul, or Consular Agent, be liable to be imprisoned; or, without being fined, any British subject, on conviction as aforesaid, may be imprisoned, but in either case for a time not exceeding 1 year, in such place as the Consul-General, Consul, Vice-Consul, or Consular Agent may determine.

XIV. In order that the 2 High Contracting Parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective subjects, it is agreed that at any time after the expiration of 5 years from the date of the exchange of the ratifications of the present Convention of Commerce and Navigation, either of the High Contracting Parties shall have the right to call upon the other to enter upon a revision of the same; but until such revision shall have been accomplished by common consent, and a new Convention shall have been concluded and ratified, the present Convention shall continue and remain in full force and effect.

XV. The present Convention shall be ratified by Her Majesty the Queen of Great Britain and by His Majesty the Sultan of Morocco, and the ratifications shall be exchanged at Tangier, at the same time as the ratifications of the General Treaty signed this day between the High Contracting Parties.

When the ratifications of the present Convention and of the said General Treaty shall have been exchanged, the stipulations of the said Convention and Treaty shall come into operation within 4 months, and shall be substituted for the stipulations of all preceding Treaties between Great Britain and Morocco.*

* See General Index.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their respective seals.

Done at Tangier, the 9th day of December, in the year 1856, corresponding to the Moorish date of the 10th day of the month of Rabbea the 2nd, in the year 1273.

(L.S.) J. H. DRUMMOND HAY.

(Arabic signature of)

(L.S.) SEED MAHOMED KHATEEB.

MEMORANDUM. *Foreign Office, May 28, 1857.*

IN the "Tariff of Exports" inserted in Article VII of the Convention of Commerce and Navigation concluded on the 9th of December, 1856, between Her Majesty and the Sultan of Morocco, and presented to both Houses of Parliament, by Her Majesty's command, on the 21st of March last, the rate of duty on "all other grain" was stated at $\frac{1}{2}$ a dollar per cantar (a weight).^{*} It should have been per full fanega (a measure). The one, however, is nearly equivalent to the other.

BRITISH ORDER IN COUNCIL, *for the apprehending and delivering up of Seamen, Deserters from the Merchant Vessels of Morocco and Fez, in British and East Indian Ports. May 6, 1857.*

At the Court at Buckingham Palace, the 6th day of May, 1857.

PRESENT, THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters' Act, 1852,"[†] it is provided, that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any Foreign power, Her Majesty may by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power, when within Her Majesty's dominions or the territories of the *East India Company*, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient.

And whereas it has been made to appear to Her Majesty that

^{*} See Page 917.

[†] See Vol. 9, Page 347.

due facilities will be given for recovering and apprehending seamen (not being Moorish subjects), who desert from British merchant ships in the territories belonging to the Sultan of *Morocco* and *Fez*.

Now, therefore, Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters' Act, 1852," and by and with the advice of her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the "London Gazette," seamen, not being slaves, and not being British subjects, who desert from merchant ships belonging to subjects of the Sultan of *Morocco* and *Fez* within Her Majesty's dominions, or the territories of the *East India Company*, shall be liable to be apprehended and carried on board their respective ships.

Provided always, that if any such deserter has committed any crime in Her Majesty's dominions, or the territories of the *East India Company*, he may be detained until he has been tried by a competent court, and until his sentence (if any) has been fully carried into effect.

And the right honourable the Lords Commissioners of Her Majesty's Treasury, and the Commissioners for the affairs of India are to give the necessary directions herein accordingly.

WM. L. BATHURST.

BRITISH ORDER IN COUNCIL, *providing for the exercise of power and jurisdiction by British Functionaries over British Subjects in Morocco.* August, 27, 1857.

At the Court at Buckingham Palace, the 27th day of August, 1857.
PRESENT, THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by an Act of Parliament made and passed in the session of Parliament holden in the 6th and 7th years of Her Majesty's reign, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual,"* it is, amongst other things, enacted that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory.

And whereas Her Majesty hath power and jurisdiction in the dominions of His Majesty the Sultan of *Morocco*.

* See Vol. 6, Page 500.

And whereas it is expedient to make provision for the due and effectual exercise of such power and jurisdiction.

I. Now therefore, in pursuance and by virtue of the said recited Act of Parliament, Her Majesty is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, that Her Majesty's Consuls appointed to reside in the dominions of the Sultan of *Morocco* shall have full power and authority to carry into effect, and to enforce by the means and in the manner hereinafter mentioned and provided, the observance of the stipulations of any Treaty or Convention, or of any regulations appended to any Treaty or Convention now existing, or which may hereafter be made between Her Majesty, her heirs and successors, and the Sultan of *Morocco*, his heirs and successors; and to make and to enforce, by fine or imprisonment, or both, rules and regulations for the observance of the stipulations of any such Treaty or Convention, and for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Sultan of *Morocco*, his heirs and successors.

II. And it is further ordered, that a copy of all such rules and regulations made by the said Consul shall forthwith be affixed, and kept affixed and exhibited in some conspicuous place in the public office of the said Consul, and that printed copies of the said rules and regulations shall, as soon as possible, be provided by the said Consul, and sold at a price not exceeding 1 dollar for each copy: and for the purpose of convicting any person offending against the said rules and regulations, and for all other purposes of law whatsoever, a printed copy of the said rules and regulations, certified under the hand of the said Consul to be a true copy thereof, shall be taken as conclusive evidence of such rules and regulations and all things therein respectively contained, and no penalty shall be incurred or shall be enforced for the breach of any such rules and regulations to be hereafter made, until the same shall have been so affixed and exhibited for 1 calendar month in the public office of the Consul: Provided always, that any such rule or regulation made by Her Majesty's Consul, and to be enforced by a penalty, shall, before the first day on which the same shall be so affixed or exhibited, be transmitted to Her Majesty's Principal Secretary of State for Foreign Affairs for allowance or disallowance; and if any such rule or regulation shall be disallowed by Her Majesty's Principal Secretary of State for Foreign Affairs, the same shall cease to have effect from the receipt by the Consul of such disallowance; nevertheless, the Consul shall not be liable to be proceeded against in any of Her Majesty's Courts in regard to any act done by him under such rule or regulation previously to the receipt of its disallowance by such Consul.

III. And it is further ordered, that it shall be lawful for Her Majesty's Consul as aforesaid, upon information, or upon the com-

plaint of any person that a British subject has violated any of the stipulations of any Treaty or Convention, or of any regulations appended to any Treaty or Convention, between Her Majesty and the Sultan of *Morocco*, or has disregarded or infringed any of the rules or regulations for the observance of the stipulations of any such Treaty or Convention, affixed and exhibited according to the provisions of the next preceding Article of this Order, to summon before him the accused person and to receive evidence and to examine witnesses on oath, as to the guilt or innocence of such person in regard to the offence laid to his charge; and to award such penalty of fine or imprisonment against any person convicted of an offence against any such Treaty or Convention or appended regulations, or against the said rules and regulations, as may be specified therein respectively; and any charge against a British subject for a breach of any such Treaty or Convention, or appended regulations, or for a breach of such rules and regulations for the observance of any such Treaty, shall be heard and determined by the Consul without Assessors: provided always, that in no case shall the penalty to be incurred by a breach of such rules and regulations exceed 500 dollars or 3 calendar months' imprisonment.

IV. And it is further ordered, that any charge against a British subject for a breach of rules and regulations other than those relating to the observance of Treaties, shall, in like manner, be heard and determined by Her Majesty's Consul; and in all cases in which the penalty shall not exceed 200 dollars, or 1 calendar month's imprisonment, the Consul shall hear and determine the charge summarily without the aid of Assessors; but where a penalty attached to a breach of the rules and regulations other than those relating to the observance of Treaties, shall amount to more than 200 dollars or to imprisonment for more than 1 calendar month, the Consul, before he shall proceed to hear the charge, shall summon 2 disinterested British subjects of good repute to sit with him as Assessors, which Assessors, however, shall have no authority to decide on the innocence or guilt of the person charged, or on the amount of fine or imprisonment to be awarded to him on conviction, but it shall rest with the Consul to decide on the guilt or innocence of the person charged, and on the amount of fine or imprisonment to be awarded to him: Provided always, that in no case shall the penalty to be attached to a breach of rules and regulations other than those for the observance of Treaties exceed 500 dollars or 3 calendar months' imprisonment; and provided further, that in the event of the said Assessors, or either of them, dissenting from the conviction of the party charged, or from the penalty of fine or imprisonment awarded to him by the Consul, the Consul shall take a note of such dissent, with the grounds thereof, and shall require good and sufficient security for the appearance of the person convicted at a future time, in order to undergo his sentence or receive his discharge; and in default of such security being given,

it shall be lawful for the Consul to cause the person to be detained in custody until such security is given; and the Consul shall, with as little delay as possible, report his decision, with all the particulars of the case, together with the dissent of the Assessors or Assessor, and the grounds thereof, to Her Majesty's Chargé d'Affaires and Consul-General in *Morocco*, who shall have authority in all such cases to confirm, or vary, or reverse the decision of the Consul, as to him may seem fit.

V. And it is further ordered, that upon any question relating to the observance of any Treaty or Convention, or of rules and regulations for the observance of any Treaty or Convention, or of rules and regulations other than those for the observance of any Treaty or Convention, a report of every decision made by a subordinate Consular officer, whether with or without the aid of Assessors, shall be sent in by him to the superior Consular officer of the district; and such superior Consular officer, on the receipt of such report, shall proceed, without Assessors, to revise such decision as to him shall seem fit; and such revision shall have, for the purposes of this Order, the same effect as if the case had been originally heard and determined by such superior Consular officer, with or without the aid of Assessors: Provided, that in any case in which the Assessors, or either of them, shall have dissented from the decision of the subordinate Consular officer, such decision shall not be subject to revision by the superior Consular officer, but the same shall be submitted for revision to Her Majesty's Chargé d'Affaires and Consul-General, in the same manner as if such decision had been made by the superior Consular officer.

VI. And it is further ordered, that every person tried and convicted before the Consul for a breach of any Treaty or Convention, between Her Majesty and the Sultan of *Morocco*, or for a breach of any rules and regulations for the observance of any such Treaty or Convention; or for a breach of any rules and regulations other than those relating to the observance of any Treaty or Convention, may appeal from the decision of the Consul thereon to Her Majesty's Chargé d'Affaires and Consul-General, who shall have power to confirm, vary, or reverse the sentence of the Consul as to him may seem fit, and also to adjudge as to him shall seem fit respecting the costs of such appeal; and the decision of the said Chargé d'Affaires and Consul-General thereon shall be final and conclusive to all intents and purposes: Provided always, that notice of such appeal shall be given to the Consul in writing, signed by the party appealing, within 15 days after his decision, and thereupon the Consul shall be entitled to require from the party so appealing reasonable and sufficient security for the prosecution of the appeal, and for the payment of the costs thereof in case he shall be adjudged to pay the same; such security to consist, in part, of 1 or more sufficient surety or sureties, to be approved by the Consul: Provided also, that in every such case the Consul

shall forthwith report such appeal, and shall at the same time transmit a copy of the proceedings on the trial before him, to Her Majesty's Chargé d'Affaires and Consul-General; and the party so appealing shall be and is hereby required to prosecute such appeal within such time as shall be by the Consul, with the approval of the Chargé d'Affaires and Consul-General, assigned for the prosecution of the same; and if the party shall not duly prosecute his appeal within such time as aforesaid, the Consul shall enforce his sentence as if no such appeal had been interposed.

VII. And it is further ordered, that if any person who shall have committed or been charged with any breach of or offence against any such Treaty or Convention, or any such rules and regulations as aforesaid, shall escape or remove from the Consular district within which the fact was committed, and shall be found within another Consular district, it shall be lawful for the Consul within which district such person shall be so found, to proceed against him in the same manner as if the fact had been committed within such district.

VIII. And it is further ordered, that it shall be lawful for Her Majesty's Consul to hear and determine any suit of a civil nature by a Moorish subject against a British subject, arising within any part of the dominions of the Sultan of *Morocco*, the Moorish Governor at the town or district, or the Kadi, or other officer who may be appointed by them for that purpose, being present, if he or they so desire, during the trial and judgment of the case, and if the plaintiff in such suit be dissatisfied with the decision of the Consul therein, he shall have a right of appeal against the same to the Moorish Commissioner for Foreign Affairs; and if the defendant in such suit be dissatisfied with the decision of the Consul therein, he shall have a right of appeal against the same to Her Majesty's Chargé d'Affaires and Consul-General, and the decision of the said Moorish Commissioner for Foreign Affairs, or of the said Chargé d'Affaires and Consul-General, upon such appeal, shall be final and conclusive to all intents and purposes.

IX. And it is further ordered, that all suits of a civil nature by a British subject against a Moorish subject, arising within any part of the dominions of the Sultan of *Morocco*, shall be heard and determined by the Moorish Governor of the town or district, or the Kadi, according as the case may appertain to their respective Courts: the British Consul, or his deputy appointed by him for that purpose, being present, if the said Consul shall so think fit, during the trial and judgment of the case: and if the plaintiff in any such last-mentioned suit shall be dissatisfied with the decision of the Governor or Kadi therein, he shall have a right of appeal against the same to Her Majesty's Chargé d'Affaires and Consul-General; and if the defendant in any such last-mentioned suit shall be dissatisfied with the decision of the Governor or Kadi,

therein, he shall have a right of appeal against the same to the Moorish Commissioner for Foreign Affairs: and the decision of the said Chargé d'Affaires and Consul-General, or of the said Moorish Commissioner for Foreign Affairs, upon such appeal, shall be final and conclusive to all intents and purposes.

X. And it is further ordered, that all suits, disputes, differences, and causes of litigation of a civil nature arising between British subjects within the dominions of the Sultan of *Morocco*, shall be heard and determined by Her Majesty's Consul, who shall be the sole judge and arbiter thereof respectively; subject nevertheless to an appeal against the decision of the Consul therein to the Supreme Court of Her Majesty's garrison and territory of *Gibraltar*: Provided always, that the party intending so to appeal against the decision of the said Consul shall, within 15 days after the determination of the case by the Consul, by himself or his agent, give to the Consul notice in writing of his appeal to the said Supreme Court of *Gibraltar*; whereupon the Consul shall, as speedily as possible, transmit to the said Supreme Court all the documents which were produced before him in the case, and none other, together with a statement of the evidence taken before him in the case, and of the grounds on which his decision was formed, and shall forthwith notify to the several parties the transmission of the said proceedings to the said Supreme Court: Provided also, that it shall be lawful for the Consul to require from any person so appearing to the said Supreme Court reasonable security, to consist in part of 1 or 2 sufficient sureties, to be approved by the Consul, that such person so applying will duly prosecute his appeal, and will abide by the decision to be given therein by the said Supreme Court, and that in case such appeal shall fail, he will answer and satisfy all costs, loss, and damages sustained by the other party by reason of such appeal.

XI. And it is further ordered, that it shall be lawful for Her Majesty's Consul to summon not less than 2, and not more than 4, disinterested British subjects, of good repute, to sit with him as Assessors at the hearing of any suit, dispute, difference, or cause of litigation whatever, of a civil nature, brought before him for decision, and in case the sum sought to be recovered shall exceed 500 dollars such suit shall not be heard by the Consul without Assessors, if within a reasonable time such Assessors can be procured; but the Assessors aforesaid shall have no authority to decide on the merits of such suit, but in the event of such Assessors, or any of them, dissenting from the decision of the Consul, the Consul shall enter the fact of such dissent and the grounds thereof in the minutes of the proceedings, and, in case of appeal, shall transmit the same to the Supreme Court of Her Majesty's garrison and territory of *Gibraltar*, together with the documents relating to the suit.

XII. And it is further ordered, that it shall be lawful for Her

Majesty's Consul to enforce his decision in favour of or against a British subject in a civil suit, dispute, difference, or cause of litigation, by distress and sale, or imprisonment, in like manner as a decision of the Supreme Court of Her Majesty's garrison and territory of *Gibraltar* in a civil suit is enforced within the same.

XIII. And it is further ordered, that in case of an appeal to the Supreme Court of Her Majesty's garrison and territory of *Gibraltar* from the decision of Her Majesty's Consul, it shall be lawful for the said Supreme Court, upon such terms as to costs and otherwise as it shall think proper, to admit any further legal evidence besides that adduced before the Consul, on its being established to the satisfaction of the said Supreme Court, by oath or affidavit, that the party desiring to produce such further evidence was ignorant of the existence of such evidence, or was taken by surprise at the hearing before the Consul, or was unable to produce it before the Consul after due and reasonable diligence and exertion on his part, or where, under the circumstances of the case, it shall appear to the said Supreme Court that further evidence ought to be received.

XIV. And it is further ordered, that Her Majesty's Consul shall have power, in any civil suit, dispute, difference, or cause of litigation, to examine on oath, or in such form and with such ceremonies as the witness may declare to be binding on his conscience, any witness who may appear before him, and shall have power, on the application of any party in such suit, to issue a compulsory order for the attendance of any person being a British subject who may be competent to give evidence in such suit; and any British subject who shall have been duly served with any such compulsory order, and with a reasonable notice of the day of hearing such suit, and upon his expenses of appearing as a witness having been paid or tendered to him by the party at whose application he shall have been ordered to attend, shall, on his wilful default to appear as a witness at the hearing of such suit, be punished with a fine not exceeding 100 dollars, or with imprisonment for a period not exceeding 30 days, at the discretion of the said Consul.

XV. Every witness, being a British subject, so examined on oath, whether before the Consul or before the Moorish Governor or Kadi, who shall in any such examination give wilfully false testimony, may be convicted of and punished for the crime of wilful and corrupt perjury.

XVI. And it is further ordered, that it shall be lawful for Her Majesty's Consul to promote the settlement of any civil suit, dispute, difference, or cause of litigation, by amicable agreement between the parties; and, with the consent of the several parties, to refer the decision of a suit or contention to one or more arbitrators, and to take security from the parties that they will be bound by the result of such arbitration; and the award of such Arbitrator or Arbitrators shall be, to all intents and purposes, deemed and

taken to be a judgment or sentence of Her Majesty's Consul in such civil suit, dispute, difference, or cause of litigation, and shall be entered and recorded as such, and shall have the like effect and operation, and shall be enforced accordingly, and shall be final and conclusive to all intents and purposes, and shall not be open to appeal, unless the same shall, within a reasonable time, have been ordered by the Consul to be set aside, on the ground that it is not final, or is defective, or that the Arbitrator or Arbitrators have exceeded their authority, or have been guilty of misconduct in the matter.

XVII. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him, any British subject who may be charged with having committed any crime or offence within the dominions of the Sultan of *Morocco*; and such Consul shall thereupon proceed with all convenient speed to inquire of the same, and for such purpose shall have power to examine on oath, or in such form and with such ceremony as the witness shall declare to be binding on his conscience, any witness who may appear before him to prove the charge; and also shall have power to compel any person, being a British subject, who may be competent to give evidence as to the guilt or innocence of the party so charged, to appear and give evidence, and to punish the wilful default of any such person to appear and give evidence, after reasonable notice of the day of the hearing of such charge, by fine or imprisonment, in like manner as is provided in Article XIV of this Order, and shall examine every such witness in the presence and hearing of the party accused, and shall afford the party accused all reasonable facility for cross-examining such witness, and shall cause the deposition of every such witness to be reduced to writing, and the same to be read over, and, if necessary, explained to the party accused, together with any other evidence that may have been urged against him during the course of the inquiry, and shall require such accused party to defend himself against the charge brought against him, and, if necessary, advise him of the legal effect of any voluntary confession, and shall take the evidence of any witness whom the accused party may tender to be examined in his defence; and every witness being a British subject so examined as aforesaid, who shall upon any such occasion give wilfully false testimony, may be convicted of and punished for the crime of wilful and corrupt perjury; and when the case has been fully inquired into, and the innocence or guilt of the person accused has been established to the satisfaction of the Consul, the Consul, as the case may be, shall either discharge the party accused from custody, if satisfied of his innocence, or proceed to pass sentence on him if satisfied of his guilt; and it shall be lawful for the Consul, having inquired of, tried, and determined, in the manner aforesaid, any charge which may be brought before him, to award to the party convicted any

amount of punishment not exceeding imprisonment for 1 calendar month, or a fine of 200 dollars.

XVIII. And it is further ordered that if the crime or offence whereof any person being a British subject may be accused before Her Majesty's Consul as aforesaid, shall appear to such Consul to be of such a nature as, if proved, would not be adequately punished by the infliction of such punishment as aforesaid, it shall be lawful for such Consul to summon not less than 2, or not more than 4, disinterested British subjects of good repute to sit with him as Assessors for inquiring of, trying, and determining the charges against such person; and the Consul, when he shall try any such charge with the assistance of Assessors as aforesaid, shall, if he is himself convinced of the guilt of the party accused, have power to award any amount of punishment not exceeding imprisonment for 12 calendar months, or a fine of 1000 dollars; and the Assessors aforesaid shall have no authority to decide on the innocence or guilt of the party accused, or on the amount of punishment to be awarded to him on conviction, but in the event of the said Assessors, or any of them, dissenting from the conviction of or from the amount of punishment awarded to the accused party, the Assessors or Assessor so dissenting shall be authorized to record in the minutes of the proceedings the grounds on which they or he may so dissent, and the Consul shall forthwith report to Her Majesty's Chargé d'Affaires and Consul-General for *Morocco*, the fact of such dissent and of its having been so recorded in the minutes of the proceedings, and shall as soon as possible, lay before the said Chargé d'Affaires and Consul-General, copies of the whole of the depositions and proceedings, with the dissent of the Assessor or Assessors recorded therein, and it shall be lawful thereupon for Her Majesty's said Chargé d'Affaires and Consul-General, by Warrant under his hand and seal addressed to the Consul, to confirm, or vary, or remit altogether, as to him may seem fit, the sentence and punishment awarded to the party accused, and such Consul shall give immediate effect to the injunction of any such Warrant: Provided always, that in any case in which the Assessor or Assessors shall dissent from the conviction of or from the amount of punishment awarded to the accused party, it shall be lawful for Her Majesty's Consul to take good and sufficient bail from the accused party to appear and undergo the punishment awarded to him, provided the same or any portion thereof be confirmed by Her Majesty's Chargé d'Affaires and Consul-General, which punishment so confirmed shall commence and take effect from the day on which the decision of Her Majesty's said Chargé d'Affaires and Consul-General shall be notified to the party accused.

XIX. And in order more effectually to repress crimes and offences on the part of British subjects within the dominions of the Sultan of *Morocco*, it is further ordered, that it shall and may be

lawful for Her Majesty's Consul to cause any British subject who shall have been twice convicted before him of any crime or offence, and punished for the same, and who, after execution of the sentence of the Consul, or any second conviction, shall not be able to find good and sufficient security, to the satisfaction of the Consul, for his future good behaviour, or who, having been deported under any sentence shall during such sentence return, to be sent out of the dominions of the Sultan of *Morocco*; and to this end the Consul shall have power and authority, as soon as may be practicable after execution of the sentence on such second conviction, to send any such twice-convicted party, or any person so returning as aforesaid, to Her Majesty's garrison and territory of *Gibraltar*, and in the meantime to detain such party in custody until a suitable opportunity for sending him out of the dominions of the Sultan of *Morocco* shall present itself; and any person so to be sent out of the said dominions as aforesaid, shall be embarked in custody on board one of Her Majesty's vessels of war, or, if there shall be no such vessel available for such purpose, then on board any British vessel bound to *Gibraltar*; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel bound to *Gibraltar*, to receive any such person as aforesaid under a Warrant from the Consul to him addressed, and thereupon to convey such person in custody to *Gibraltar* as aforesaid, in the same manner as if he were a distressed British subject, unless he shall be willing and able himself to defray the expenses of his passage.

XX. And it is further ordered, that in any case in which any British subject shall be accused before Her Majesty's Consul of the crime of arson, or house-breaking, or cutting and maiming, or stabbing or wounding, or of any assault endangering life, or of wilfully causing any bodily injury dangerous to life, or of wilful or corrupt perjury, the proceedings before the Consul shall be carried on with the aid of Assessors convened in the manner aforesaid; and it shall be lawful for the Consul, if to him it shall seem fit, to cause any person convicted before him of any of the crimes aforesaid, over and above any fine or imprisonment which may be awarded to such person, to be sent out of the dominions of the Sultan of *Morocco* for such time as to him shall seem meet, in the manner pointed out in the next preceding Article of this Order, notwithstanding the crime laid to the charge of such person may be the first of which he has been convicted before the Consul.

XXI. And it is further ordered, that it shall be lawful for Her Majesty's Consul within the dominions of the Sultan of *Morocco*, upon information laid before him by 1 or more credible witnesses, that there is reasonable ground to apprehend that any British subject is about to commit a breach of the public peace, to cause such British subject to be brought before him, and to require such British subject to give sufficient security to keep the

peace; and in the event of any British subject being convicted of, and punished for, a breach of the peace, to cause such British subject, after he shall have undergone the punishment which may have been awarded to him by the Consul, to find security for his good behaviour; and in the event of any British subject who may be required as aforesaid to give sufficient security to keep the peace, or to find security for his good behaviour, being unable or wilfully omitting to do so, then, and in any such case, it shall be lawful for Her Majesty's Consul to send such British subject out of the dominions of the Sultan of *Morocco*, in the manner pointed out in Article XIX of this Order.

XXII. And it is further ordered, that in all cases in which a British subject shall have been sent out of the dominions of the Sultan of *Morocco*, as provided in the 3 next preceding Articles of this Order, the Consul sending him out shall forthwith report such act of deportation, with the grounds of his decision thereon, to Her Majesty's Chargé d'Affaires and Consul-General in *Morocco*.

XXIII. And it is further ordered, that it shall be lawful for Her Majesty's Consul, to cause to be apprehended and brought before him any British subject who may be charged with smuggling or importing into the dominions of the said Sultan, any goods whereon any duty shall be charged, or payable, to the said Sultan, with intent to evade the payment of such duty, or any goods, the importation whereof shall be prohibited; and such Consul shall thereupon proceed, with all convenient speed, to inquire into the same, on oath or solemn affirmation, and to hear the witnesses on both sides, with like powers, and in like manner in all respects, as is provided by Article XIV of this Order. And it shall be lawful for the Consul, having inquired into and heard the said charge, to determine the same, and if he shall find the party guilty, if the charge against him shall be of importing into the said dominions prohibited goods, then to award him to pay a fine not exceeding treble the value of the said goods at the current price of the day; and if the charge shall be of smuggling, or importing goods with intent to evade the payment of duty as aforesaid, then to award him to pay a fine not exceeding treble the amount of the duties leviable thereon; and in case of non-payment of any such fine or fines, to award him to be imprisoned for a period not exceeding 3 months; or it shall be lawful for such Consul, without awarding the payment of any fine, to award that such party shall be imprisoned for a period not exceeding 6 months, in such place as he shall appoint: Provided always, that no British subject charged only with importing prohibited goods, shall be apprehended, unless and until he shall have had 1 week's notice to appear and answer the charge, and shall have refused, failed, or omitted so to appear.

XXIV. And it is further ordered, that a report of every sentence passed by a subordinate Consular officer, in respect of any of the matters mentioned in Articles XVII, XVIII, XIX,

XX, and XXI of this Order, and awarding a fine exceeding 200 dollars, or imprisonment for a term exceeding 1 calendar month, shall be sent in by such Consular officer to the superior Consular officer of the district; and on the receipt of such report, such superior Consular officer shall proceed, without Assessors, to revise such sentence as to him shall seem fit; and in the case of every sentence pronounced by the subordinate Consular officer without Assessors, or with the concurrence of Assessors, the decision of the superior Consular officer shall be final and conclusive; but in the case of any sentence pronounced by the subordinate Consular officer, from which the Assessors, or either of them, shall have dissented, the superior Consular officer shall not proceed to revise such sentence, but shall submit all the proceedings to Her Majesty's Chargé d'Affaires and Consul-General, in the same manner as if the case had been originally heard and decided by the superior Consular officer with dissent on the part of the Assessors, or either of them.

XXV. And it is further ordered that, in cases of common assault, it shall be lawful for the Consul before whom the complaint is made, to promote reconciliation between the parties, and to suffer compensation and amends to be made, and the proceedings thereby to be finally stayed.

XXVI. And it is further ordered, that a minute of the proceedings, in every case heard and determined before the Consul, in pursuance of this Order, shall be carefully drawn up and be signed by the Consul, and shall, in cases where the Assessors are present, be open for the inspection of such Assessors, and for their signature if they therein shall concur; and every such minute, together with the depositions of the witnesses, shall be preserved in the public office of the said Consul.

XXVII. And it is further ordered, that, save and except as regards offences committed by British subjects against the stipulations of any Treaty between Her Majesty and the Sultan of *Morocco*, or against any rules and regulations for the observance of the stipulations of any such Treaty or Convention, duly affixed and exhibited according to the provisions of Article II of this Order, or against any rules and regulations for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Sultan of *Morocco*, no act done by a British subject within the dominions of the said Sultan, shall, by Her Majesty's Consul, be deemed and taken to be a crime or misdemeanour, or offence rendering the person committing it amenable to punishment, which, if done within any part of Her Majesty's dominions, would not, by a court of justice having criminal jurisdiction in Her Majesty's dominions, have been deemed and taken to be a crime or misdemeanour, or offence, rendering the person committing it amenable to punishment; and Her Majesty is pleased to appoint, by and with the advice of her Privy Council, Her Majesty's garrison and

territory of *Gibraltar* as the place where crimes and offences committed by British subjects within the dominions of the Sultan of *Morocco*, which it may be expedient shall be inquired of, tried, determined, and punished within Her Majesty's dominions, shall be so inquired of, tried, determined, and punished; and Her Majesty's Consul, resident in *Morocco*, shall have authority to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent for trial to Her Majesty's said garrison and territory of *Gibraltar*.

XXVIII. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent, in any of Her Majesty's ships of war, or in any British vessel, to Her Majesty's garrison and territory of *Gibraltar*, for trial before the Supreme Court of the said garrison and territory; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel, to receive any such person on board, with a warrant from the said Consul addressed to the Chief Magistrate of Police of the said garrison and territory; and thereupon to keep and detain in lawful custody, and to convey him in custody to *Gibraltar*, and on his arrival there to deliver him, with the said warrant, into the custody of the said Chief Magistrate of Police, or other officer within the said garrison and territory, lawfully acting as such, who, on receipt of the said warrant, and of the party therein named, shall be authorized to commit, and shall commit, such party so sent for trial to the common gaol of the said garrison and territory; and it shall be lawful for the keeper of the said common gaol to cause such party to be detained in safe and proper custody, and to be produced upon the order of the said Supreme Court; and the Supreme Court at the Sessions to be holden next after such committal, shall proceed to hear and determine the charge against such party, and to punish him for the same if found guilty, in the same manner as if the crime with which he may be charged had been committed within Her Majesty's said garrison and territory of *Gibraltar*.

XXIX. And it is further ordered, that Her Majesty's Consul, on any occasion of sending a prisoner to *Gibraltar* for trial, shall observe the provisions made with regard to prisoners sent for trial to a British colony in an Act passed in the 6th and 7th years of Her Majesty's reign, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty, within divers countries and places out of Her Majesty's dominions, and to render the same more effectual."*

XXX. And it is further ordered, that the Supreme Court of Her Majesty's garrison and territory of *Gibraltar* shall have and

* See Vol. 6, Page 500.

may exercise, concurrently with Her Majesty's Consul, authority and jurisdiction in regard to all suits of a civil nature, between British subjects, arising within any part of the dominions of the Sultan of *Morocco*: Provided always, that the said Supreme Court shall not be bound, unless in a fit case it shall deem it right so to do, by writ of *certiorari*, or otherwise, to debar or prohibit the Consul from hearing and determining, pursuant to the provisions of the several Articles of this Order, any suit of a civil nature between British subjects, or to stay the proceedings of the Consul in any such matter.

XXXI. And it is further ordered, that all fines and penalties imposed under this Order, may be levied by distress and seizure, and sale of ships, and of goods and chattels; and no bill of sale, mortgage, or transfer of property made by a party accused after his apprehension, or with a view to securing such party against any crime or offence committed or to be committed by him, or against the consequences thereof, shall avail to defeat any of the provisions of this Order.

XXXII. And it is further ordered, that it shall be lawful for Her Majesty's Consul, from time to time, to establish rules of practice to be observed in proceedings before him, and to make regulations for defraying the expenses of witnesses in such proceedings, and the cost of criminal prosecutions, and also to establish rates and scales of fees to be taken in regard to civil suits heard and determined before the said Consul; and it shall be lawful for the said Consul to enforce, by seizure and sale of goods, or, if there be no sufficient goods, by imprisonment, the payment of such established fees, and of such costs or expenses as may be adjudged against the parties, or any of them: Provided always, that a table specifying the rates of fees to be so taken shall be affixed and kept exhibited in the public office of the said Consul.

XXXIII. And it is further ordered, that all fees, penalties, fines, and forfeitures levied under this Order, save and except such penalties as may by Treaty be payable to the Sultan of *Morocco*, shall be paid to the public account, and shall be applied in diminution of the public expenditure, on account of Her Majesty's Consulate in *Morocco*: Provided always, that in the event of any of the Moorish authorities declining to receive fines payable to the Government of *Morocco* as aforesaid, the same shall also be paid to the public account, and applied in the manner last mentioned.

XXXIV. And it is further ordered, that it shall be lawful for Her Majesty's Consul to grant probate of will, or letters of administration to the intestate estate of any British subject, or any native of a State or place under British protection, who shall die and leave property within the dominions of the Sultan of *Morocco*; and if such probate or letters of administration shall not be applied for within 30 days after the death of the deceased person, it shall be lawful for the Consul to administer to the estate of such person,

and, for so doing, to reserve to himself, out of the proceeds of such estate, a commission not exceeding $2\frac{1}{2}$ per cent. on the account thereof.

XXXV. And it is further ordered, that a register shall be kept by Her Majesty's Consul, of all British subjects residing within the dominions of the Sultan of *Morocco*; and that every British subject now residing within such dominions, who shall not have been already enrolled in such Consular register, shall, within a reasonable time after the promulgation of this Order, such time to be specified in a note affixed and publicly exhibited in the Consular office, apply to the Consul to be enrolled in such register; and every British subject who may arrive within the said dominions (except British subjects borne on the muster-roll of any British ship arriving in any port of *Morocco*) shall, within a reasonable time after his arrival, such time to be specified as aforesaid, also apply to the Consul to be enrolled in such register; and any British subject who shall refuse or neglect to apply to be so enrolled as hereinbefore mentioned, and who shall not excuse such refusal or neglect to the satisfaction of the Consul, shall not be entitled to be recognized or protected as a British subject in respect to any suit, dispute, or difficulty in which he may have been, or may be engaged or involved within the dominions of the Sultan of *Morocco*, at any time when he shall not have been, or shall not be so enrolled.

XXXVI. And it is further ordered, that Her Majesty's Consul shall and may exercise all or any of the powers which, by any Act or Acts of the Imperial Parliament for the regulation of merchant seamen, or for the regulation of the mercantile marine, may now or at any time hereafter be exercised by any Justice or Justices of the Peace within Her Majesty's dominions.

XXXVII. And it is further ordered, that nothing in this Order contained shall be deemed or construed to prevent Her Majesty's Consul, within the dominions of the Sultan of *Morocco*, from doing or performing any act whatsoever which British Consuls within any other State in amity with Her Majesty are by law, usage, or sufferance, entitled or enabled to do or perform.

XXXVIII. And it is further ordered, that every action or suit brought against Her Majesty's Consul, by reason of anything done under the authority of this Order, shall be commenced within 6 calendar months next after the doing thereof, and not otherwise; and the defendant in every such action or suit shall be entitled to the benefit of the provisions made with respect to defendants in actions or suits in the said hereinbefore recited Act of the 6th and 7th years of Her Majesty's reign.

XXXIX. And it is further ordered, that the word "Consul" in this Order, shall include every Consul-General, Consul, Vice-Consul, and Consular Agent, and every person duly authorized to

act in any of the aforesaid capacities, within the dominions of the Sultan of *Morocco*; and that, in the construction of this Order, words importing the singular number shall, if necessary, be understood to include several persons; matters, or things; and words importing the masculine gender only shall, if necessary, be understood to import the feminine gender, unless there be something in the subject or context repugnant to such construction.

XL. And it is further ordered, that this Order shall take effect on and after the 1st day of November now next ensuing.

XLI. And the right honourable the Earl of Clarendon, and the right honourable the Lord Panmure, 2 of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

MUSCAT.

ACTS of the Government of the Kooria Moorla Islands. 1854—1856.

(1.)—*Cession of the Islands to Great Britain by the Imaum of Muscat.* July 14, 1854.

BISMILLAH.

(Translation.)

From the humble Sereid Bin, Sultan, to all and every one who may see this paper, whether they are Mohammedans, or others.

THERE has arrived to me from the powerful nation (England) Captain Fremantle, belonging to the Royal Navy of the great Queen, requesting from me, the (Jesair i bin Calfaim) Chorlan Morlan Islands, namely, Halaanee, Jiblee, Soda, Haski and Ghurzoud; and I hereby cede to the Queen Victoria the above-mentioned islands, to be her possessions, or her heirs and successors after her. In proof whereof, I have hereunto affixed my signature and seal, on behalf of myself, and my son after me, of my own free will and pleasure, without force, intimidation, or pecuniary interest whatsoever.

And be the same known to all to whom these presents may come.